

***MINUTES OF
FAUQUIER COUNTY AGRICULTURAL & FORESTAL
DISTRICT ADVISORY COMMITTEE***

March 9, 2005

The Fauquier County Agricultural and Forestal District Advisory Committee held a meeting on March 9, 2005, at 7:00 P.M. in the 2nd Floor Conference Room, Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Ms. Mary T. Morran, Chairperson; Mr. William Worrall, Vice-Chairperson; Dr. Kitty Smith, Mrs. Mildred Riddell; Mr. John Schied; Ms. Lucie M. Garrett; Mr. James N. Eustace; Mr. Harry Atherton; and Mr. Ross D'Urso. Also present were Ms. Kimberley A. Johnson, Zoning Administrator; Ms. Bonnie Bogert, Planner; and Mrs. Deborah Dotson, Office Associate III. Member absent was Mr. Robert Rogers.

MINUTES: On a motion made by Mrs. Riddell and seconded by Dr. Smith, the Agricultural and Forestal District Advisory Committee moved to approve the minutes of the September 15, 2004, meeting.

AYES: Ms. Morran, Mr. Schied, Mr. Eustace, Mr. Atherton, Mrs. Riddell, Dr. Smith

NAYS: None

ABSENT: Mr. Worrall, Ms. Garrett, Mr. D'Urso, Mr. Rogers

The motion carried.

**THIRD RENEWAL AND SEVENTH ADDITION TO COBBLER MOUNTAIN
AGRICULTURAL AND FORESTAL DISTRICT**

Ms. Bogert reviewed the staff report, a copy of which is attached to and made a part of these minutes. Ms. Bogert also reviewed Thomas & Patricia Fabyanic's request to add 67 acres to the District.

The Committee discussed the renewal process and asked staff about the notices that were sent out. Staff stated that notices are sent out prior to any public meeting or public hearing.

On a motion made by Dr. Smith and seconded by Mr. Atherton, the Committee moved to recommend approval of the Third Renewal of the Cobbler Mountain Agricultural and Forestal District and to recommend approval of the 7th Addition to the Cobbler Mountain Agricultural and Forestal District to the Planning Commission and the Board of Supervisors with the following conditions:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply

except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

- a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
 - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
 3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
 4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
 5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
 6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried 9-0, with Mr. Rogers absent.

**THIRD RENEWAL OF AND EIGHTEENTH ADDITION TO THE
MIDDLEBURG/MARSHALL AGRICULTURAL AND FORESTAL DISTRICT**

Ms. Bogert reviewed the staff report, a copy of which is attached to and made a part of the minutes. Ms. Bogert also reviewed Jerold and Marjorie Principato's application to add three parcels to the District.

Dr. Smith asked about a parcel less than 25 acres that was sold but not removed from the District. Ms. Johnson stated that there is not currently in place a method of tracking these instances. Mr. D'Urso suggested his office tracks these as they are the ones notified of sales.

On a motion made by Dr. Smith and seconded by Mr. Atherton, the Committee moved to recommend approval of the Third Renewal of the Middleburg/Marshall Agricultural and Forestal District and to recommend approval of the 18th Addition to the Middleburg/Marshall Agricultural and Forestal District to the Planning Commission and the Board of Supervisors with the following conditions:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
 - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried 9-0, with Mr. Rogers absent.

SECOND RENEWAL OF THE PARIS VALLEY AGRICULTURAL AND FORESTAL DISTRICT

Ms. Bogert reviewed the staff report, a copy of which is attached to and made a part of the minutes. Ms. Bogert stated that one withdrawal request had been received from Mr. Charles Strother.

Mr. Strother was present at the meeting.

Mr. Tom Davenport, property owner in the Paris Valley District, was also present.

There was discussion about the advantages and disadvantages of being in the Agricultural and Forestal District.

On a motion made by Dr. Smith and seconded by Mr. Atherton, the Committee moved to recommend approval of the Second Renewal of the Paris Valley Agricultural and Forestal

District to the Planning Commission and the Board of Supervisors with the following conditions:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
 - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried 9-0, with Mr. Rogers absent.

FIRST RENEWAL OF AND FIRST ADDITION TO THE RED OAK MOUNTAIN AGRICULTURAL AND FORESTAL DISTRICT

Ms. Bogert reviewed the staff report, a copy of which is attached to and made a part of the minutes. Ms. Bogert also reviewed Kareen Rodham McGhee's application to add 43.73 acres to the District.

On a motion made by Mr. Atherton and seconded by Ms. Garrett, the Committee moved to recommend approval of the Second Renewal of the Paris Valley Agricultural and Forestal District to the Planning Commission and the Board of Supervisors with the following conditions:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
 - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried 9-0, with Mr. Rogers absent.

THIRD RENEWAL OF AND 21ST ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT

Ms. Bogert reviewed the staff report, a copy of which is attached to and made a part of the minutes. Ms. Bogert also reviewed James Duvall's and Auburndale Farm's applications to add parcels to the District.

On a motion made by Mr. Eustace and seconded by Ms. Riddell, the Committee moved to recommend approval of the Third Renewal of the Southern Fauquier Agricultural and Forestal District and to recommend approval of the 21st Addition to the Southern Fauquier Agricultural and Forestal District to the Planning Commission and the Board of Supervisors with the following conditions:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure

that the Ordinance does not conflict with the purpose for which the District was established.

- a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
 - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
 3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
 4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
 5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
 6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried 9-0, with Mr. Rogers absent.

REQUEST TO TERMINATE AN OPEN SPACE AGREEMENT

David R. and Georgia K. Buckwalter are requesting to terminate an open space agreement made between them and the Board of Supervisors on March 31, 2004.

Ms. Bogert reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Buckwalter was present at the meeting and stated due to construction of a subdivision next to the property that he would be unable to comply with the terms of the agreement. He also stated that he would be caring for his mother and would need to sell timber to help cover expenses.

The Committee discussed the open space agreement and the various other tools available to the public to receive a tax break on properties.

On a motion made by Dr. Smith and seconded by Ms. Riddell, the Committee moved to recommend that the Open Space Agreement not be terminated to the Planning Commission and the Board of Supervisors.

AYES: Mr. Worrall, Mr. Schied, Ms. Morran, Ms. Riddell, Dr. Smith

NAYS: None

ABSTAINED: Mr. D'Urso, Mr. Atherton, Ms. Garrett, Mr. Eustace

The motion carried 5-0-4, with Mr. Rogers absent.

ADJOURNMENT: There being no further business before the Committee, the meeting adjourned at 8:30p.m.

Mary Morran, Chairperson

A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development, Zoning Office, 40 Culpeper Street, Warrenton, Virginia, for a period of one year.